

AMENDMENT(S) TO THE DRAWINGS

A New Sheet is attached containing a new Fig. 7. The details disclosed in the New Sheet are included in the specification and/or the other drawings with no new matter being introduced thereby.

REMARKS

Claims 1-16 are pending and rejected in this application. Claims 1-3 and 9-11 are amended hereby.

Responsive to the rejection of claims 1-3 and 9-11 under 35 USC 112, second paragraph, Applicant has amended claims 1-3 and 9-11 keeping in mind the comments offered by the Examiner. Applicant submits that claims 1-3 and 9-11 are now in allowable form.

Responsive to the rejection of claims 1-3, 5-6, 8-11 and 13-19 under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,116,200 (Braun et al.), Applicant has amended independent claims 1 and 9, and submits that the claims subject to this rejection are now in condition for allowance.

Braun et al. disclose a surgical milling tool with a cup 11 having openings 19 with radially inwardly extending cutting edges 22 (Figs. 1 and 4).

In contrast, claims 1 and 9, as amended, each recite in part a plurality of cutting teeth each having a center segment, the “center segments being positioned relative to each other to form a cutting profile at a substantially constant distance from said distal face of said cutting head.” (Emphasis added). Applicant submits that neither Braun nor any other cited reference, alone or in combination, discloses or suggests the inventive subject matter recited in claims 1 and 9, as amended.

Braun et al. does not disclose or suggest the relationships between the shape of the cutting edges on the plurality of cutting tooth segments and the distal face of the cutting head. The only location that the cutting edge is shown is in Fig. 4, wherein the cutting edge appears to have a straight edge (note that where the section line IV-IV is drawn in Fig. 3, a portion of the cutting edge would be visible other than just a point if the cutting edge were curved to parallel the curvature of the inside diameter of cup 11). Further, the specification is completely silent as to

the shape of cutting edge 22. Braun et al. therefore fails to disclose or suggest a cutting head with cutting teeth positioned relative to each other to form a cutting profile at a substantially constant distance from the distal face of the cutting head, as recited in claims 1 and 9.

As shown in new Fig. 7, and further illustrated in Exhibit A attached herewith, the cutting tooth design of the present invention results in a smoother cut in a bone to be cut, which in turn results in a smoother cut profile in the bone and a better compliance with the outside diameter of an implant to be implanted. The tooth shape of the present invention shown in Fig. 7 and the illustration labeled "Proposed tooth design" in Exhibit A (which are the same) corresponds to a reamer and tooth shape as disclosed at page 4, lines 6-8 and page 4, line 20 through page 5, line 6 of the present application as filed. With such cutting teeth placed in a spiral pattern on cutting head 14 as shown in Fig. 1, the cutting teeth 24 overlap each other in frontal profile as they rotate through a given area of a bone to be cut. The resultant cut profile 56 in the bone is smoother than possible with conventional cutting tooth designs (page 2, lines 9-10 and page 6, lines 3-4 of the present application). A cutting head with a traditional tooth shape results in a scalloped cut profile in the bone to be cut, as shown in Exhibit A.

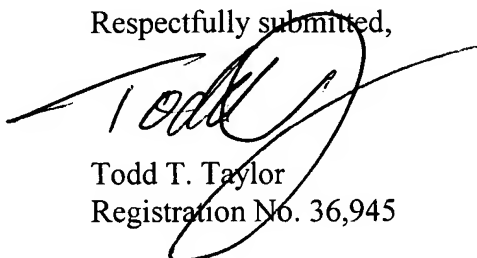
For the foregoing reasons, Applicant submits that the pending claims are definite and do particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Moreover, Applicant submits that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicant respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally

petitions therefor and authorizes that any charges be made to Deposit Account No. 20-0095,  
TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to  
telephone the undersigned at (260) 897-3400.

Respectfully submitted,



Todd T. Taylor  
Registration No. 36,945

Attorney for Applicant

TTT/mb/bd

TAYLOR & AUST, P.C.  
142 S. Main Street  
P.O. Box 560  
Avilla, IN 46710  
Telephone: 260-897-3400  
Facsimile: 260-897-9300

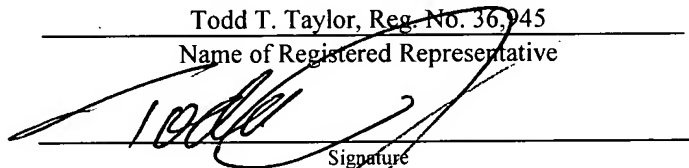
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: July 28, 2006.

Todd T. Taylor, Reg. No. 36,945

Name of Registered Representative



Signature

July 28, 2006

Date

SUBMITTED DRAWINGS

The drawing that is being submitted includes a Replacement Sheet, as indicated on the page that follows.

Exhibit A

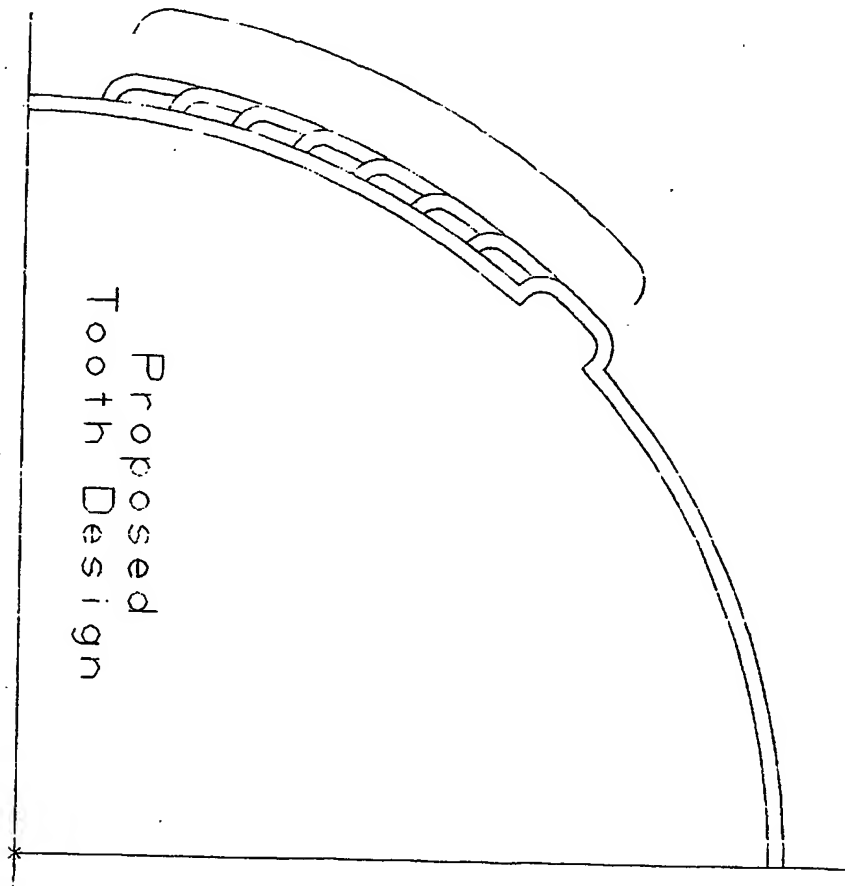
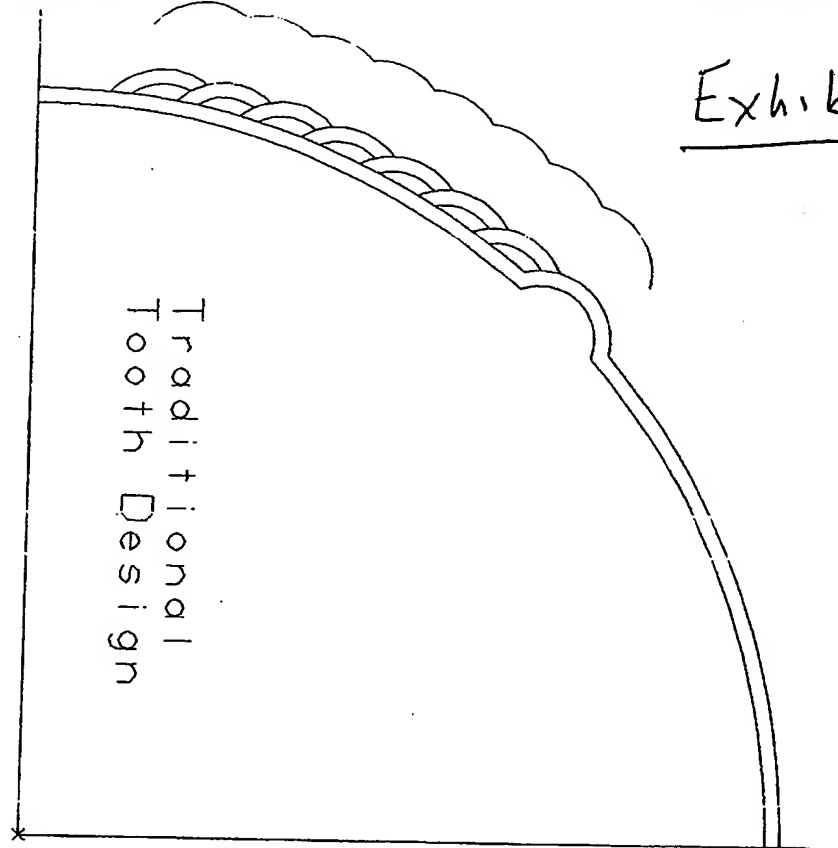


Illustration showing traditional and proposed tooth design as well as the cut profile that would result from eight consecutive overlapping teeth.